

STATE OF CALIFORNIA
ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION

In the Matter of:)	Docket.	14-OIR-01
)	Order:	
Rulemaking to Consider Modifications to)		
the Electricity Generation Source)	ORDER INSTITUTING	
Disclosure Regulations)	RULEMAKING	
_____)		
		October 7, 2014	

I. PURPOSE AND SCOPE OF THE PROCEEDING

Pursuant to Public Resources Code sections 25210, 25213, and 25218(e), and Title 20, California Code of Regulations, section 1222(a), the California Energy Commission (Energy Commission) hereby institutes a proceeding to consider modifications to the Electricity Generation Source Disclosure regulations, title 20, California Code of Regulations, section 1390 et seq. These regulations implement a program informally referred to as the Power Source Disclosure (PSD) program.

In 1997, SB 1305 (Stats. 1997, ch. 796, §1) was enacted, adding sections 398.1 and following to the Public Utilities Code. SB 1305 requires every retail provider that sells electricity that is consumed in California to disclose its electricity sources. The bill directed the Energy Commission to establish guidelines for the format and means for such disclosure. The Energy Commission adopted the required regulations in September 1998. These regulations establish the format and timing of various reporting requirements, including a detailed format for the power content label, which is the vehicle for disclosure of electricity sources to consumers. The regulations were subsequently amended in 2001, adding the use of “certificates” to support claims of specific purchases, and “agreed-upon procedures” to govern the required audit. No retail supplier has ever used the certificate program, which is now obsolete due to the development of the Western Renewable

Energy Generation Information System (WREGIS), which tracks the sales of electricity from eligible renewable energy resources and verifies retail product claims inside and outside the state for the state's Renewable Portfolio Standard (RPS) Program.

In 2009, AB 162 (Stats. 2009, ch. 313, §§ 1-3) was adopted modifying the PSD program by adding the term "unspecified sources of power" (meaning electricity generated that is not traceable to specific generation sources by any auditable contract trail or equivalent that provides commercial verification that the electricity source has been sold once, and only once, to a retail customer) as a category that must be disclosed; adding additional fuel types and energy sources required to be disclosed; changing the timing of reporting requirements; amending other details regarding disclosures; and eliminating certain reporting requirements, including those related to net system power. In 2013, AB 2227 (Stats. 2012, ch. 606, § 7) deleted the specific due date for an annual report retail suppliers are required to provide to the Energy Commission, providing the Energy Commission with authority to establish the date.

In order to update the regulations to conform to these changes, the Energy Commission orders that a rulemaking proceeding be opened to consider modifications to title 20, California Code of Regulations, section 1390 et seq. as follows:

- 1) Eliminate the requirement to disclose "net system power", which is no longer required by statute;
- 2) Add to the disclosure requirements the category of "unspecified sources of power" which is now statutorily required;
- 3) Add to the disclosure requirements the category of Renewable Energy Credits (RECs) to allow customers to distinguish between sources of renewable power provided;
- 4) Change the reporting date to better accommodate retail provider workflow constraints;
- 5) Add a requirement that the power content label include a footnote informing the consumer that the information provided in the label is different than what is reported under the RPS program;
- 6) Eliminate the certificate program; and
- 7) Any other changes to the regulations considered necessary.

II. PUBLIC PARTICIPATION

The Energy Commission encourages full and free public participation in this proceeding. Any person present at any hearing or workshop shall be afforded a reasonable opportunity to make oral comments on the subject matter of the proceeding. Petitions to intervene are not necessary. At present, no workshop or hearing dates have been specifically identified. The Executive Director, in conjunction with the Public Adviser, shall ensure that this order and notices of hearings and workshops are distributed to all interested persons and that drafts of the regulations are made available sufficiently in advance of workshops, interim hearings, and final adoption by the Energy Commission to allow timely participation. The Energy Commission will establish a date for the receipt of written comments on draft regulations; any such comments should be addressed to:

Docket No. 14-OIR-01
Docket Unit, MS-4
California Energy Commission
1516 Ninth Street
Sacramento, California 95814-5512

Alternatively, a person may provide one electronic copy under 5 megabytes to docket@energy.state.ca.us. The Docket Unit will accept Word documents, but please send PDF if possible. Identify all comments with "Docket Number: 14-OIR-01". The Energy Commission will set forth a deadline for the receipt of written comments in a Notice of Proposed Action, which will be published later in the proceeding if it is determined that changes to the regulations are necessary. The Energy Commission's Public Adviser is available to help any person who wants to participate in this proceeding. Please call (916) 654-4489 or toll-free in California at (800) 822-6288, or contact pao@energy.state.ca.us.

CERTIFICATION

The undersigned Secretariat to the Commission does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the California Energy Commission held on October 7, 2014.

AYE:

NAY:

ABSENT:

ABSTAIN:

Harriet Kallemeyn
Secretariat
California Energy Commission